

S.B. 15 – Driving Under the Influence Amendments

41-6a-502.5 - Impaired driving – Penalty – Sentencing requirements. Allows for a plea to a class B misdemeanor violation of section 41-6a-502 committed on or after July 1, 2008, that it may be entered as a conviction of impaired driving under this section.

Recommendation: Add the following to the paper bail schedule and master offense table.

41-6a-502.5 Impaired Driving – MB;

Court mandatory? = Y

Bail Amount = \$1,850.00

ACD code = A25

NCIC code = 5499

S.B. 17 – Child Abuse & Neglect Registry – Management and Licensing Information Systems Amendments

62a-4a-412 – Reports and information confidential. Any person who requests information knowing it that it is a violation to do so is subject to criminal penalties. MC.

Recommendation: Add the following to the paper bail schedule and master offense table.

62a-4a-412 – Unlawful access to Child Abuse/Neglect Registry Information – MC;

Court mandatory? = N

Bail Amount = \$270.00

NCIC code= 7099

S.B. 34 – Confidentiality of Reports to Driver License Division

53-3-305 – Notification of impaired person to the division -- Confidentiality of notification -- Rulemaking – Penalty. MC

Recommendation: Add the following to the paper bail schedule and master offense table.

53-3-305 – Notification of impaired person w/intent to annoy/intimidate/harass – MC;

Court mandatory? = N

Bail Amount = \$270.00

NCIC code= 7099

S.B. 44 – Penalties for Failing to Secure a Load or Littering on a Highway

72-7-409 – Destructive or injurious materials on highways – Throwing lighted material from moving vehicle – Enforcement Officers. MB

41-6a-1713 – Penalty for Littering on Highway. MC.

76-10-2702 - Destructive or injurious materials on parks, recreation areas, waterways, or other public or private lands – Enforcement officers – Litter Receptacles required. MC.

Recommendation: Make the following changes to the paper bail schedule and master offense table.

Delete the following offense code from the master offense table and remove it from the paper bail schedule:

41-6a-1712 – Littering. This code will be replaced with 41-6a-1713 to accommodate for second and subsequent offenses.

Add the following:

41-6a-1713 – Littering on Highway - MC; Fine not less than \$100.00.

Court mandatory? = Y Bail Amount = \$270.00 NCIC code = 7399

41-6a-1713[2] – Littering on Highway 2/sub offense – MC; Fine not less than \$250.00 for second or subsequent violation within 3 years of a previous violation of this section.

Court mandatory? = Y Bail Amount = \$300.00 NCIC code = 7399

72-7-409 – Conf/sec/fast load on vehicle – MB; Fine not less than \$100.00.

Court mandatory? = Y Bail Amount = \$270.00

72-7-409[2] – Conf/sec load on vehicle 2 sub – MB; Fine not less than \$250.00 for second or subsequent violation within 3 years of previous violation of this section.

Court mandatory? = Y Bail Amount= \$300.00

72-7-409[C] – Conf/sec load on com vehicle – MB; Fine not less than \$250.00.

Court mandatory? = Y Bail Amount = \$270.00

72-7-409[C][2] – Conf/sec load on com veh 2/sub – MB; Fine not less than \$500.00 for second or subsequent violation within 3 years of a previous violation of this section.

Court mandatory? = Y Bail Amount= \$500.00

76-10-2702 – Littering parks/rec area/waterway/public private lands – MC; Fine not less than \$100.00 for each violation.

Court mandatory? = N Bail Amount = \$270.00 NCIC code = 7399

S.B. 65 – Soliciting Gang Members Prohibited

76-9-803(1)(A) – Penalties regarding criminal street gang activities. It is a MB to solicit, recruit, entice, or intimidate a minor to join a criminal street gang, whether or not the minor actually joins the criminal street gang.

76-9-803(1)(B) - Penalties regarding criminal street gang activities. It is a MB to conspire to commit any act under subsection (1)(A) with the intent to cause a minor to join a criminal street gang.

76-9-803(1)(C) - Penalties regarding criminal street gang activities. It is a MB to use intimidation to prevent or attempt to prevent a minor from leaving a criminal street gang or ending the minor's affiliation with a criminal street gang.

76-9-803(2)(A) - Penalties regarding criminal street gang activities. It is a MA for any person who is a member of or actively involved with a criminal street gang to intimidate

or otherwise cause a minor to commit or attempt to commit any misdemeanor criminal offense.

76-8-803(2)(B) - Penalties regarding criminal street gang activities. It is a MA to commit an offense more than once regarding the same minor and within a period of 180 days.

Recommendation: Make the following changes to the paper bail schedule and master offense table.

76-9-803(1)(A) – Penalties regarding criminal street gang activities. It is a MB to solicit, recruit, entice, or intimidate a minor to join a criminal street gang, whether or not the minor actually joins the criminal street gang.

Court mandatory? = Y Bail Amount = \$925.00 NCIC code = 7099

76-9-803(1)(B) - Penalties regarding criminal street gang activities. It is a MB to conspire to commit any act under subsection (1)(A) with the intent to cause a minor to join a criminal street gang.

Court mandatory? = Y Bail Amount = \$925.00 NCIC code = 7099

76-9-803(1)(C) - Penalties regarding criminal street gang activities. It is a MB to use intimidation to prevent or attempt to prevent a minor from leaving a criminal street gang or ending the minor's affiliation with a criminal street gang.

Court mandatory? = Y Bail Amount = 925.00 NCIC code = 7099

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

76-9-803(2)(A) - Penalties regarding criminal street gang activities. It is a MA for any person who is a member of or actively involved with a criminal street gang to intimidate or otherwise cause a minor to commit or attempt to commit any misdemeanor criminal offense.

Court mandatory? = Y Bail Amount = \$2,775.00 NCIC code = 7099

76-8-803(2)(B) - Penalties regarding criminal street gang activities. It is a MA to commit an offense more than once regarding the same minor and within a period of 180 days.

Court mandatory? = Y Bail Amount = \$2,775.00 NCIC code = 7099

S.B. 81 – Illegal Immigration -- Effective 7/1/2009

63G-11-104 – Receipt of state, local, or federal public benefits – Verification – Exceptions – Fraudulently obtaining benefits – Criminal penalties – Annual Report.

76-10-2901 – Transporting or harboring aliens – Definition – Penalty. MA.
76-8-504(2) – Written False Statement – MB
76-8-1205 – Public Assistance Fraud defined.
76-8-1206 – Penalties for Public Assistance Fraud.
76-8-1301 – False statements regarding unemployment compensation --Penalties.

Coordinating H.B.339 with S.B. 81 states:

If this HB 339 and SB 81, Illegal Immigration, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Section 76-10-2901(3), as enacted by S.B. 81 to read as follows:

- (3)(a) A person who violates Subsection(2)(a) is guilty of a third degree felony.
- (b) A person who violates Subsection(2)(b) is guilty of a class A misdemeanor.

Recommendation: Make the following changes to the paper bail schedule and master offense table.

76-8-504(2) – Written False Statement with intent to deceive a public servant in the performance of his office function – MB;

Court mandatory?= Y Bail Amount= \$555.00

Recommendation: Do not add to the paper bail schedule. Add to master offense table only. (If 63G-11-104 is a MB or lower add to paper bail schedule, otherwise only add to master offense table.)

76-10-2901(2)(B) – Transporting or Harboring aliens – MA;

Court mandatory?= Y Bail Amount = \$1,850.00

76-8-1206(A) – Public Assistance Fraud value is or exceeds \$5,000.00 – F2;

Court mandatory?= Y Bail Amount = \$10,000.00

76-8-1206(B) – Public Assistance Fraud value is or exceeds \$1,000.00 but less than \$5,000.00 – F3;

Court mandatory?= Y Bail Amount = \$5,000.00

76-8-1206(C) – Public Assistance Fraud value is or exceeds \$300.00 but less than \$1,000.00 – MA;

Court mandatory?= Y Bail Amount = \$1,850.00

NOTE: 76-8-1301 – False statements regarding unemployment compensation --Penalties. Is listed in H.B. 80, changes to 76-8-1301 will be discussed later in the meeting with H.B. 80.

S.B. 94 - Burglary of a Railroad car

76-6-204.5 – Burglary of a Railroad car. Any person who commits burglary of a rail road car when the person breaks the lock or seal on a railroad car, with the intent to commit a felony or theft. F3

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

76-6-204.5 – Burglary of a Railroad Car – F3;

Court Mandatory? = Y Bail Amount = \$5,000.00 NCIC= 2299

S.B. 134 – Mortgage Fraud Act

76-6-1203 – Mortgage Fraud. Mortgage fraud occurs when one knowingly makes a “material misstatement, misrepresentation or omission” during the lending process intending it to be relied upon. The statute also applies when documents are filed with the county recorder that the person knows contains a “material misstatement, misrepresentation or omission”. It is also a crime to receive any compensation from the above examples. The penalties for mortgage fraud are generally based on the value involved.

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

76-6-1204(1)(A) – Mortgage Fraud value exceeds 300 less than 1000; MA

Court mandatory? = Y Bail Amount= \$1,850.00 NCIC Code: 2699

76-6-1204(1)(B) – Mortgage Fraud value is or exceeds 1000 less than 5000; F3

Court mandatory? = Y Bail Amount= \$5,000.00 NCIC Code: 2699

76-6-1204(1)(C) – Mortgage Fraud value is or exceeds 5000; F2

Court mandatory? = Y Bail Amount= \$10,000.00 NCIC Code: 2699

76-6-1204(1)(D) – Mortgage Fraud gain is something other than monetary value; F2

Court mandatory? = Y Bail Amount= \$10,000.00 NCIC Code: 2699

76-6-1204(1)(E) – Mortgage Fraud obtaining personal ID information; F2

Court mandatory? = Y Bail Amount= \$10,000.00 NCIC Code: 2699

S.B. 164 – Computer Assisted Remote Hunting Prohibited

23-13-8 – Use of computer device to remotely hunt wildlife prohibited. A person may not use a computer or other device to remotely control the aiming and discharging of a firearm or other weapon for hunting an animal. MA.

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

23-13-8 – Computer or other device hunting prohibited – MA;
Court mandatory? = Y Bail Amount= \$1,850.00 NCIC= 6299

S.B. 171 – Repeal of Certain Reporting by Financial Institutions

76-10-1906(c)(i) – Money Laundering. MC

76-10-1906(c)(ii) – Money Laundering second or subsequent offense. MA

76-10-1906(d) – Money Laundering knowingly/intentionally. F3

Recommendation: Make the following changes to the paper bail schedule and master offense table.

Repeal: 76-10-1906.

76-10-1906(c)(i) – Money Laundering. MC

Court mandatory? = Y Bail Amount= \$270.00 NCIC Code: 6110

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

76-10-1906(c)(ii) – Money Laundering second or subsequent offense. MA

Court mandatory? = Y Bail Amount= \$1,850.00 NCIC Code: 6110

76-10-1906(d) – Money Laundering knowingly/intentionally. F3

Court mandatory? = Y Bail Amount= \$5,000.00 NCIC Code: 6110

S.B. 192 – Sex Offense Amendments

76-5-401.2(2)(D) – Unlawful sexual conduct with 16 or 17 yr. old. Takes indecent liberties with a minor, or causes a minor to take indecent liberties with the actor or another person, with the intent to cause substantial emotional or bodily pain to any person or with the intent to gratify the sexual desire of any person regardless of the sex of any participant. MA

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

76-5-401.2(2)(D) – Unlawful sexual conduct with 16 or 17 yr old; MA

Court Mandatory?= Y Bail Amount= \$1,850.00 NCIC code= 1199

S.B 193 – Election Law Changes

20a-1-601 – Bribery in Elections – a person may not, directly or indirectly, by himself or through any person: pay, loan, or contribute, or offer or promise to pay, loan, or contribute money to any person, to induce a voter to refrain from voting at an election. F3
20a-1-602(1)(A) – Receiving a bribe – a person may not, for himself or any other person, directly or indirectly, by himself or an other person, before, during, or after ay election

receive any money, gift, loan, or other valuable consideration for voting or agreeing to vote, etc. F3

20a-1-603(1) – Fraud, Interference, disturbance – tampering with ballots or records. A person may not vote on behalf of himself or another by voting more than once at any election. MA

20a-1-604(1) – Destroying instruction cards, sample ballots, or election paraphernalia. A person may not deface or destroy any list of candidates posted, willfully deface, tear down, remove or destroy any card of instruction, or supplies furnished to enable voters. MC

20a-1-606(1) – Wagering on elections forbidden. A candidate may not, before or during any primary election campaign make any bet or wager anything of pecuniary value. MB.

20a-2-401 – Fraudulent Registration – A person may not willfully cause, procure, or allow himself to be registered to vote, knowing that he is not eligible to register to vote. MA.

20a-3-505(1)(A) – False Impersonation Double Voting. A person may not apply for a ballot in the name of some other person, whether living or dead. F3.

20a-3-505(2)(A) – False Impersonation – Double Voting. A person may not aid assist council, or procure another person to commit the felony in subsection (1)(A). MA.

Recommendation: Make the following changes to the paper bail schedule and master offense table.

20a-1-604(1) Destroy Election Paraphernalia; MC

Court Mandatory?= N Bail Amount= \$270.00 NCIC Code = 5999

20a-1-606(1) – Wagering on Elections Forbidden; MB

Court Mandatory?= N Bail Amount= \$555.00 NCIC Code = 5999

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

20a-1-601 – Bribery in Elections, F3

Court Mandatory?=Y Bail Amount= \$5,000.00 NCIC Code = 5999

20a-1-602(1)(A) – Receiving a bribe; F3

Court Mandatory?= Y Bail Amount= \$5,000.00 NCIC Code = 5999

20a-1-603(1) – Fraud, Interference, disturbance – tampering with ballots or records; MA

Court Mandatory?= Y Bail Amount= \$1,850.00 NCIC Code = 5999

20a-3-505(1)(A) – False Impersonation – Double voting; F3

Court Mandatory?= Y Bail Amount= \$5,000.00 NCIC Code = 5999

20a-3-505(2)(A) – Aid, Assist with False Impersonation; MA

Court Mandatory?= Y

Bail Amount= \$1,850.00

NCIC Code = 5999

S.B. 238 – Aquatic Invasive Species Interdiction Act

23-27-201(1) – Invasive species prohibited. INF

A person may not possess, import, export, ship, or transport a Dreissena mussel.

23-27-201(3) – Invasive species prohibited knowingly. MA

A person may not knowingly or intentionally possess, import, export, ship, or transport a Dreissena mussel.

23-27-202 – Reporting of invasive species required. MA

A person who discovers a Dreissena mussel within this state or has reason to believe a Dreissena mussel may exist at a specific location shall immediately report the discovery.

Recommendation: Make the following changes to the paper bail schedule and master offense table.

23-27-201(1) – Invasive species prohibited; INF

NCIC= 6205

Court mandatory?= N

Bail Amount= \$100.00

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

23-27-201(3) – Invasive species prohibited knowingly. MA

NCIC= 6205

Court mandatory?= Y

Bail Amount= \$1,850.00

23-27-202 – Reporting of invasive species required. MA

NCIC= 6205

Court mandatory?= Y

Bail Amount= \$1850.00

S.B. 263 – Self Authentication of Documents

78B-5-705(1) – Unsworn declaration in lieu of affidavit.

A person who knowingly makes a false written statement is guilty of a class B misdemeanor.

Recommendation: Make the following changes to the paper bail schedule and master offense table.

78B-5-705(1) – False Written Statement; MB

Court mandatory?= Y

Bail Amount= \$555.00

NCIC= 2607

S.B. 297 – Animal Torture & Cruelty Amendments

76-5-107.5(3)(A) – Hazing. MB

76-5-107.5(3)(B) – Hazing involving motor vehicle. MA

76-5-107.5(3)(C) – Hazing use of dangerous weapon. F3

76-5-107.5(3)(D) – Hazing serious injury. F3

76-5-107.5(3)(E) – Hazing use of weapon cause serious injury. F2

76-9-301(3)(A) – Cruelty to Animals intentional or knowingly. MB

76-9-301(3)(B) – Cruelty to Animals recklessly or w/ criminal negligence. MC

76-9-301(5)(A) – Aggravated Cruelty to Animals intentional or knowingly. MA
 76-9-301(5)(B) – Aggravated Cruelty to Animals recklessly. MB
 76-9-301(5)(C) – Aggravated Cruelty to Animals criminal negligence. MC
 76-9-301(6) – Cruelty to Animals intentionally/knowingly tortures companion animal.
 F3
 76-9-301.7(3)(A) – Cruelty to Animals Enhanced MC to MB
 76-9-301.7(3)(B) – Cruelty to Animals Enhanced MB to MA

Recommendation: Make the following changes to the paper bail schedule and master offense table.

76-5-107.5(3)(A) – Hazing. MB

Court mandatory?= Y Bail Amount= \$555.00 NCIC code = 1399

76-9-301(3)(A) – Cruelty to Animals intentional or knowingly. MB

Court mandatory?= Y Bail Amount= \$555.00 NCIC code= 7299

76-9-301(3)(B) – Cruelty to Animals recklessly or w/ criminal negligence. MC

Court mandatory?= Y Bail Amount= \$270.00 NCIC code = 7299

76-9-301(5)(B) – Aggravated Cruelty to Animals recklessly. MB

Court mandatory?= Y Bail Amount= \$555.00 NCIC code= 7299

76-9-301.7(3)(A) – Cruelty to Animals Enhanced MC to MB

Court mandatory?= Y Bail Amount= \$555.00 NCIC code= 7299

76-9-301(5)(C) – Aggravated Cruelty to Animals criminal negligence. MC

Court mandatory?= N Bail Amount= \$270.00 NCIC code= 7299

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

76-5-107.5(3)(B) – Hazing involving motor vehicle. MA

Court mandatory?= Y Bail Amount= \$1850.00 NCIC code= 1399

76-5-107.5(3)(C) – Hazing use of dangerous weapon. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code= 1399

76-5-107.5(3)(D) – Hazing serious injury. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code= 1399

76-5-107.5(3)(E) – Hazing use of weapon cause serious injury. F2

Court mandatory?= Y Bail Amount= \$10,000.00 NCIC code= 1399

76-9-301(5)(A) – Aggravated Cruelty to Animals intentional or knowingly. MA

Court mandatory?= Y Bail Amount= \$1,850.00 NCIC code= 7299

76-9-301(6) – Cruelty to Animals intentionally/knowingly tortures companion animal. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code= 7299

76-9-301.7(3)(B) – Cruelty to Animals Enhanced MB to MA

Court mandatory?= Y Bail Amount= \$1,850.00 NCIC code= 7299

H.B. 10 – Disclosure of Identity to Officer

76-8-301.5 – Failure to disclose identity - MB

Recommendation: Make the following changes to the paper bail schedule and master offense table.

76-8-301.5 – Failure to disclose identity. MB

NCIC code = 4899

Court mandatory?= Y Bail Amount= \$555.00

H.B. 14 – Discharge of Firearm Amendments

76-10-508.1(1) – Felony Discharge of a Firearm not amounting to Criminal Homicide/attempted criminal homicide. F3

76-10-508.1(2) – Felony Discharge of a Firearm causing injury. F2

76-10-508.1(3) - Felony Discharge of a Firearm causing serious injury. F1

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

76-10-508.1(1) – Felony Discharge of a Firearm not amounting to Criminal Homicide/attempted criminal homicide. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code= 5213

76-10-508.1(2) – Felony Discharge of a Firearm causing injury. F2

Court mandatory?= Y Bail Amount= \$10,000.00 NCIC code= 5213

76-10-508.1(3) - Felony Discharge of a Firearm causing serious injury. F1

Court mandatory?= Y Bail Amount= \$20,000.00 NCIC code= 5213

H.B. 18– Material Harmful to Minors Amendments

76-10-1206(3)(A) – Dealing with material harmful to a minor second or subsequent offense. F2

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

76-10-1206(3)(A) – Dealing with material harmful to a minor second or subsequent offense. F2

Court mandatory?= Y Bail Amount= \$10,000.00 NCIC code= 3805

H.B. 19 – Assault on a Peace Officer Penalty Amendments

76-5-102.4[2] – Assault on a Peace Officer second or subsequent offense. F3

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

76-5-102.4[2] – Assault on a Peace Officer second or subsequent offense. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code= 1312

H.B. 23 Child and Family Protection

76-5-109(2)(A) – Child Abuse serious physical injury/intentionally/knowingly. F2

76-5-109(2)(B) – Child Abuse serious physical injury/recklessly. F3

76-5-109(2)(C) – Child Abuse serious physical injury/criminal negligence. MA

76-5-109(3)(A) – Child Abuse injury/intentionally/knowingly. MA

76-5-109(3)(B) – Child Abuse injury/recklessly. MB

76-5-109(3)(C) – Child Abuse injury/criminal negligence. MC

76-5-109(4)(A) – Child Abuse Abandonment. F3

76-5-109(4)(B) – Child Abuse Abandonment/serious physical injury. F2

Recommendation: Make the following changes to the paper bail schedule and master offense table.

76-5-109(3)(B) – Child Abuse injury/recklessly. MB

Court mandatory?= Y Bail Amount= \$555.00 NCIC code= 1399

76-5-109(3)(C) – Child Abuse injury/criminal negligence. MC

Court mandatory?= Y Bail Amount= \$270.00 NCIC code= 1399

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

76-5-109(2)(A) – Child Abuse serious physical injury/intentionally/knowingly. F2

Court mandatory?= Y Bail Amount= \$10,000.00 NCIC code= 1399

76-5-109(2)(B) – Child Abuse serious physical injury/recklessly. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code= 1399

76-5-109(2)(C) – Child Abuse serious physical injury/criminal negligence. MA

Court mandatory?= Y Bail Amount= \$1,850.00 NCIC code= 1399

76-5-109(3)(A) – Child Abuse injury/intentionally/knowingly. MA

Court mandatory?= Y Bail Amount= \$1850.00 NCIC code= 1399

76-5-109(4)(A) – Child Abuse Abandonment. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code= 1399

76-5-109(4)(B) – Child Abuse Abandonment/serious physical injury. F2
Court mandatory?= Y Bail Amount= \$10,000.00 NCIC code= 1399

H.B. 30 Vehicle Concealing Illegal Items

76-10-2802(2) – Vehicles compartment for contraband. Knowingly posses, use, or control a vehicle which has a compartment with the intent to store, conceal, or transport contraband in the compartment. MA

76-10-2802(3) – Vehicles compartment for contraband. Facilitate the storage, concealment, or transportation of contraband. F3

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

76-10-2801(2) – Vehicles compartment for contraband. Knowingly posses, use, or control a vehicle which has a compartment with the intent to store, conceal, or transport contraband in the compartment. MA

Court mandatory?= Y Bail Amount= \$1850.00 NCIC code=5801

76-10-2801(3) – Vehicles compartment for contraband. Facilitate the storage, concealment, or transportation of contraband. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code=5801

H.B. 57 – Transportation Administration Rules – Criminal & Civil Penalty Amendments.

72-7-302(2) – Damage to signs, warnings, or barriers. MA.

72-9-701 – Loads on vehicles – Limitations—confining, securing, ad fastening load required. (added with S.B.44)

72-9-701 – Penalty for unlawful conduct. MB.

72-9-702[2] – Penalty for unlawful conduct, second or subsequent offense. MA

Recommendation: Make the following changes to the paper bail schedule and master offense table.

Repeal 72-7-211.

72-9-701 – Penalty for unlawful conduct. MB.

Court mandatory?= Y Bail Amount= \$555.00 NCIC code = 5311

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

72-7-302(2) – Damage to signs, warnings, or barriers. MA

Court mandatory?= Y Bail Amount= \$1850.00 NCIC code= 7199

72-9-702[2] – Penalty for unlawful conduct, second or subsequent offense. MA

Court mandatory?= Y

Bail Amount= \$1850.00

NCIC code= 5311

H.B. 78 – Recodification and Revisions –

Recommendations: Make the following changes to the paper bail schedule and master offense table.

78-7-35 change to 78A-6-301

78-3a-502 change to 78A-6-602

78-5-116.5 change to 78A-7-122

78-5-116.7 change to 78A-7-301

78-5-116 change to 78A-7-120

78-12a-4(1) change to 78B-8-304(1)

78-12a-4(2) change to 78B-8-304(2)

78-46-20(3) change to 78B-1-115

78-38-4.7 change to 78B-8-603

78-38-4.5 repealed, change to 78B-8-602(2)

Note: The master offense table was updated on February 21, 2008 to reflect the recodification updates.

H.B. 80 – Administrative Rule Penalty Amendments

35A-4-103(1)(C) – Void Agreements – Child Support obligation – Penalties. MB

41-1a-712 – Foreign vehicle disclosure requirement – Penalties – Civil Damages. MB

54-7-26 – Violations by officers or agents of utility – Penalty. MA

54-7-28 – Violations by individuals – Penalty. MA

59-14-208 – Rules for Stamping and packaging procedures – Penalty. MB

76-8-1301(1)(A)(I) – False Statement regarding Unemployment Compensation, value less than 300.00. MB

76-8-1301(1)(A)(II) – False Statement regarding Unemployment Compensation, value exceeds 300.00 but less than 500.00. MA

76-8-1301(1)(A)(III) - False Statement regarding Unemployment Compensation, value is or exceeds 1000.00 but less than 5000.00. F3.

76-8-1301(1)(A)(IV) - False Statement regarding Unemployment Compensation, value exceeds 5000.00. F2.

76-8-1301(2)(A)(I) – False Statement by Unemployment Compensation Agent, value is less than 300.00. MB.

76-8-1301(2)(A)(II) – False Statement by Unemployment Compensation Agent, value is or exceeds 300.00 but less than 500.00. MA

76-8-1301(2)(A)(III) – False Statement by Unemployment Compensation Agent, value is or exceeds 1000.00 but less than 5000.00. F3.

76-8-1301(2)(A)(IV) - False Statement by Unemployment Compensation Agent, value exceeds 5000.00. F2.

Recommendation: Make the following changes to the paper bail schedule and master offense table.

35A-4-103(1)(C) – Void Agreements – Child Support obligation – Penalties. MB
Court mandatory?= Y Bail Amount= \$555.00 NCIC code= 3808

41-1a-712 – Foreign vehicle disclosure requirement – Penalties – Civil Damages. MB
Court mandatory?= Y Bail Amount= \$555.00

59-14-208 – Rules for Stamping and packaging procedures – Penalty. MB
Court mandatory?= Y Bail Amount= \$555.00

76-8-1301(1)(A)(I) – False Statement regarding Unemployment Compensation. MB
Court mandatory?= Y Bail Amount= \$555.00 NCIC code =2699

76-8-1301(2)(A)(I) – False Statement by Unemployment Compensation Agent, value is less than 300.00. MB.
Court mandatory?= Y Bail Amount= \$555.00 NCIC code =2699

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

54-7-26 – Violations by officers or agents of utility – Penalty. MA
Court mandatory?= Y Bail Amount= \$1850.00

54-7-28 – Violations by individuals – Penalty. MA
Court mandatory?= Y Bail Amount= \$1850.00

76-8-1301(1)(A)(II) – False Statement regarding Unemployment Compensation, value exceeds 300.00 but less than 500.00. MA
Court mandatory?= Y Bail Amount= \$1850.00 NCIC code =2699

76-8-1301(1)(A)(III) - False Statement regarding Unemployment Compensation, value is or exceeds 1000.00 but less than 5000.00. F3.
Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code =2699

76-8-1301(1)(A)(IV) - False Statement regarding Unemployment Compensation, value exceeds 5000.00. F2.
Court mandatory?= Y Bail Amount= \$10,000.00 NCIC code =2699

76-8-1301(2)(A)(II) – False Statement by Unemployment Compensation Agent, value is or exceeds 300.00 but less than 500.00. MA
Court mandatory?= Y Bail Amount= \$1850.00 NCIC code =2699

76-8-1301(2)(A)(III) – False Statement by Unemployment Compensation Agent, value is or exceeds 1000.00 but less than 5000.00. F3.
Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code =2699

76-8-1301(2)(A)(IV) - False Statement by Unemployment Compensation Agent, value exceeds 5000.00. F2.

Court mandatory?= Y Bail Amount= \$10,000.00 NCIC code =2699

H.B. 102 Child Abuse Homicide Amendments

76-5-208(1)(A) – Child Abuse Homicide, Recklessly. F1

76-5-208(1)(B) – Child Abuse Homicide, Criminal Negligence. F2

76-5-208(1)(C) - Child Abuse Homicide, Intentionally/knowingly. F2

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

76-5-208(1)(A) – Child Abuse Homicide, Recklessly. F1

Court mandatory?= Y Bail Amount= \$20,000.00 NCIC code =0999

76-5-208(1)(B) – Child Abuse Homicide, Criminal Negligence. F2

Court mandatory?= Y Bail Amount= \$20,000.00 NCIC code =0999

76-5-208(1)(C) - Child Abuse Homicide, Intentionally/knowingly. F2

Court mandatory?= Y Bail Amount= \$20,000.00 NCIC code =0999

H.B. 119 – Controlled Substance Database Amendments

58-37-7.5(10)(A) – Controlled substance database, Obtains or attempts to obtain information from the database by misrepresentation or fraud is guilty of a third degree felony. F3

58-37-7.5(10)(B) – Controlled substance database, Obtains or attempts to obtain information from the database for a purpose other than a purpose authorized. F3

58-37-7.5(11) – Controlled substance database, knowingly giving out information from the Controlled substance database. F3

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

58-37-7.5(10)(A) – Controlled substance database, Obtains or attempts to obtain information from the database by misrepresentation or fraud is guilty of a third degree felony. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code =3599

58-37-7.5(10)(B) – Controlled substance database, Obtains or attempts to obtain information from the database for a purpose other than a purpose authorized. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code =2599

58-37-7.5(11) – Controlled substance database, knowingly giving out information from the Controlled substance database. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code =3599

H.B. 141 – Identity Theft Reporting Information System Amendments

67-5-22(5)(A) – Identity theft reporting information system, knowingly/intentionally released/disclosed information from database. F3

67-5-22(6)(A) - Identity theft reporting information system, attempt or obtain information by misrepresentation or fraud. F3

67-5-22(7)(A) - Identity theft reporting information system, knowing/intentionally use, release, publish or otherwise make available to any person or entity information from the database for any other purpose than specified in this chapter. F3

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

67-5-22(5)(A) – Identity theft reporting information system, knowingly/intentionally released/disclosed information from database. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code =7099

67-5-22(6)(A) - Identity theft reporting information system, attempt or obtain information by misrepresentation or fraud. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code =7099

67-5-22(7)(A) - Identity theft reporting information system, knowing/intentionally use, release, publish or otherwise make available to any person or entity information from the database for any other purpose than specified in this chapter. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code =7099

H.B. 272 – False Impersonation and Representation

76-9-706(2) - False Impersonation of military award – false wearing or use of medal, name, title, insignia, ritual, or ceremony of a military related organization. A person who intentionally makes a false representation, verbally or in writing that the person has been awarded a service medal. MC

76-9-706(3) – False Impersonation of military award – false wearing or use of medal, name, title, insignia, ritual, or ceremony of a military related organization. Purchase or attempt to purchase, poses or sell service medals with the intent to falsely represent that the person or another person has been awarded a service medal. MC

76-9-706(4) - False Impersonation of military award – false wearing or use of medal, name, title, insignia, ritual, or ceremony of a military related organization. Wearing or uses a medal of a military related organization, which the person is not, entitled to use. MC

76-9-706(5) - False Impersonation of military award – false wearing or use of medal, name, title, insignia, ritual, or ceremony of a military related organization. Uses the name, an officer title, an insignia, a ritual, or a ceremony of military related organization, which the person is not, entitled to use. MC

Recommendation: Make the following changes to the paper bail schedule and master offense table.

Repeal: 76-8-514 – False wearing or use of military or organization medal or insignia.

76-9-706(2) - False Impersonation of military award – false wearing or use of medal, name, title, insignia, ritual, or ceremony of a military related organization. A person who intentionally makes a false representation, verbally or in writing that the person has been awarded a service medal. MC

Court mandatory?= N Bail Amount= \$270.00 NCIC code = 2699

76-9-706(3) – False Impersonation of military award – false wearing or use of medal, name, title, insignia, ritual, or ceremony of a military related organization. Purchase or attempt to purchase, poses or sell service medals with the intent to falsely represent that the person or another person has been awarded a service medal. MC

Court mandatory?= N Bail Amount= \$270.00 NCIC code = 2699

76-9-706(4) - False Impersonation of military award – false wearing or use of medal, name, title, insignia, ritual, or ceremony of a military related organization. Wearing or uses a medal of a military related organization, which the person is not, entitled to use. MC

Court mandatory?= N Bail Amount= \$270.00 NCIC code = 2699

76-9-706(5) - False Impersonation of military award – false wearing or use of medal, name, title, insignia, ritual, or ceremony of a military related organization. Uses the name, an officer title, an insignia, a ritual, or a ceremony of military related organization, which the person is not, entitled to use. MC

Court mandatory?= N Bail Amount= \$270.00

H.B. 291 – Off –Highway Vehicle Amendments

41-22-30 – Supervision, safety certificate, or driver license required – Penalty
(The change is in the fine amount.) A person convicted of violation of this section is guilty of an infraction and shall be fined no more than ~~[\$50]~~ \$100 per offense.

Recommendation: Make the following changes to the paper bail schedule and master offense table.

41-22-30 Supervision, safety certificate, or driver license required. INF
Increase the bail amount from \$50.00 to \$100.00.

H.B.312 – Crime Victim Reparations Revisions

Recommendation: Make the following changes to the master offense table only.

Repeals 63-25a-420

H.B. 339 – Human Trafficking Amendments

76-5-309(1) – Human Trafficking. F2

76-5-309(2) – Human Smuggling. F2

76-5-309(4)(A) - Human Trafficking gain financially or materially. F2
76-5-309(4B) – Human smuggling gain financially or materially. F3
76-5-310(4)(A) – Aggravated Human Trafficking. F1
76-10-2901 – Transporting or harboring aliens.

Coordinating H.B.339 with S.B. 81 states:

If this HB 339 and SB 81, Illegal Immigration, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Section 76-10-2901(3), as enacted by S.B. 81 to read as follows:

- (3)(a) A person who violates Subsection(2)(a) is guilty of a third degree felony.
- (b) A person who violates Subsection(2)(b) is guilty of a class A misdemeanor.

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

76-5-309(1) – Human Trafficking. F2

Court mandatory?= Y Bail Amount= \$10,000.00 NCIC code =5899

76-5-309(2) – Human Smuggling. F2

Court mandatory?= Y Bail Amount= \$10,000.00 NCIC code = 5899

76-5-309(4)(A) - Human Trafficking gain financially or materially. F2

Court mandatory?= Y Bail Amount= \$10,000.00 NCIC code =5899

76-5-309(4)(B) – Human smuggling gain financially or materially. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code =5899

76-5-310(4)(A) – Aggravated Human Trafficking; F1

Court mandatory?= Y Bail Amount= \$20,000.00 NCIC code =5899

76-10-2901(2)(A) – Transporting or harboring aliens; F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code =0303

76-10-2901(2)(B) – Transporting or harboring aliens; MA

Court mandatory= Y Bail Amount=\$1850.00 NCIC Code =0303

H.B. 346 – Division of Real Estate Related Amendments

61-2c-403(2)(B)(I) – Cease and Desist Order Violation. MA

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

61-2c-403(2)(B)(I) – Cease and Desist Order Violation. MA

Court mandatory?= Y Bail Amount= \$1,850.00 NCIC code = 5007

H.B. 347 – Motor Vehicle Business Regulation Amendments

41-3-201 – License Required. MA

41-3-207.5 – Liquidation of Inventory for suspended used motor vehicle dealers. MA

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

41-3-201 – License Required. MA

Court mandatory?= Y Bail Amount= \$1,850.00 NCIC code = 6199

41-3-207.5 – Liquidation of Inventory for suspended used motor vehicle dealers. MA

Court mandatory?= Y Bail Amount= \$1850.00 NCIC code = 6199

H.B. 493 – Civil Stalking Injunctions

76-5-106.5(7) – Stalking second or subsequent offense. F3

76-5-106.5(8) – Stalking using a dangerous weapon second or subsequent. F3

Recommendation: Do not add to the paper bail schedule. Add to master offense table only.

76-5-106.5(7) – Stalking second or subsequent offense. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code= 1316

76-5-106.5(8) – Stalking using a dangerous weapon second or subsequent. F3

Court mandatory?= Y Bail Amount= \$5,000.00 NCIC code= 1316

Other Bail Schedule Issues/Suggestions

77-7-22 – Fail to Appear MB

The bail amount in the printed bail schedule is \$92.50. When a warrant is sent to Public Safety, the amount gets truncated to 92. The clerks have to deal with giving a \$0.50 credit on the case. (Ryan: Logan Justice Court)

Recommendation: Change the bail amount to an even number; \$92.00.

41-12a-302 – Operating vehicle without Insurance.

CJA Rule 4-704(5) states, “Unless otherwise ordered by the judge, the clerk of the court is authorized to dismiss citations for violation of subsection 41-12a-302 if the defendant presets proof that valid insurance was in effect for the vehicle at the time the citation was issued.

Note: The proof has to comply with UCA 41-12a-303.2(4)(a).
(Heather Mackenzie-Campbell: Audit Department)

Recommendation: Update the printed bail schedule to reflect that the clerk of court is permitted to dismiss the ticket. *Approved*

53-3-202(1) - No Valid License

In the paper bail schedule there are 2 of the same violation numbers listed with different titles and different bails.

Recommendation: Make the following changes to the paper bail schedule and master offense table.

53-3-202 – No valid license – Never obtained license (Includes motorcycle operator’s license) MC, 75.00. *Approved*

53-3-202{1} – No valid license – expired (Includes motorcycle operator’s license) MC, 40.00. *Approved*

41-6a-209(2a) Speeding in Construction Zone or Maintenance zone.

41-6a-202 stated that 41-6a-209 should be an Infraction. In both the paper bail schedule and the master offense table it is listed as a Class C. (Janet – Washington County Justice Court.)

Recommendation: Change 41-6a-209 in the paper bail schedule and master offense table to be an Infraction. *Approved – Separate out C’s and Infractions and add/update master and paper bail schedule.*

76-10-1801 – Communications Fraud

Add to the paper bail schedule MB;

76-10-1801(a) - a class B misdemeanor when the value of the property, money, or thing obtained or sought to be obtained is less than \$300;

Add to the Master Offense Table;

76-10-1801 (b) - a class A misdemeanor when the value of the property, money, or thing obtained or sought to be obtained is or exceeds \$300 but is less than \$1,000;

76-10-1801 (c) - a third degree felony when the value of the property, money, or thing obtained or sought to be obtained is or exceeds \$1,000 but is less than \$5,000;

76-10-1801(d) - a second degree felony when the value of the property, money, or thing obtained or sought to be obtained is or exceeds \$5,000;

76-10-1801(e) - a second degree felony when the object of the scheme or artifice to defraud is other than the obtaining of something of monetary value; and

76-10-1801(f) - a second degree felony when the object or purpose of the scheme or artifice to defraud is the obtaining of sensitive personal identifying information, regardless of the value.

Approved

65a-8-9(2) Burning without a permit during closed fire season (June 1 – October 31)

65a-8-9 section 9 no longer exists in Utah Code.

Recommendation: Change 65a-8-9(2) in the paper bail schedule to 65a-8-211 – MB.

Approved – update page 48 of paper bail schedule and the master offense table.

65a-8-10 – Violation of fire closure or hazardous area closure order or proclamation.

65a-8-10 section 10 no longer exists in Utah Code.

Recommendation: Replace 65a-8-10 with the new code. 65a-8-212 – Power of state forester to close hazardous areas -- Violations of an order closing an area; MB.

Add 65a-8-211 - Closed fire season -- Notice -- Violations -- Burning permits -- Personal liability -- Exemptions from burning permits; MB

Approved

76-6-206(2)(A) Criminal Trespass

In the printed bail schedule 76-6-206(2)(a) is listed twice with different descriptions, severity and fine amounts.

Recommendation: Change 76-6-206(2)(a) Criminal Trespass with intent to annoy or cause injury to 76-6-206(2)(a)(i). Change 76-6-206(2)(a) Criminal Trespass within dwelling to 76-6-206(3)(a). *Approved, separate out.*

41-6a-530. Alcohol restricted drivers -- Prohibited from operating a vehicle while having any measurable or detectable amount of alcohol in the person's body -- Penalties. MB

Judge Jensen at Davis County Justice Court would like to see this offense added to the printed bail schedule. Judge Jensen felt that only a \$555.00 fine could be imposed, rather than \$1850.00 since it is not listed. Davis County Justice Court has a lot of cases that are charged with 41-6a-530. Judge Jensen would like to see 41-6a-530 added to the bail schedule with a bail amount of 1500.00. (Judge Jensen.)
Approved – Fine will be \$1500.00 total including surcharge.

41-6a-209(2a) Speeding in a construction zone.

Recommendation: Update paper bail schedule to be 41-6a-209(2)(a). Clarify that this is a MC rather than a MB, officers are e-filing citations as MB. *Fixed in prior recommendation – Stricken.*

Federal Motor Carrier Violations:

396.9(c)(2) – Inspection of Motor Vehicle – Out of Service – Common Carrier
Please add this code to the printed bail schedule, it is a MB, moving violation.
Bail= 1000.00 Court mandatory= N

395.13(d) – Driver declared out of service – Common Carrier
Please add this code to the printed bail schedule, it is a MB, moving violation.
Bail= 1000.00 Court mandatory = N

Wild Life Codes:

Request that Wild Life Resources implement a numbering scheme similar to that of the district court for multiple violations with different severities that are referenced and cited as the same offense violation code. In order to add them into CORIS correctly they need to have a unique numbering scheme per violation/severity/bail.

Resolution: *Ask the council to make this request to the Wild Life Division.*

Numbering:

Add to the end of the offense violation code the following numbering scheme to accommodate for commercial vehicle violations, distinction between commercial and garbage truck, second or subsequent offenses.

[C] – Commercial vehicle violation

[G] – Garbage truck violation

[2] – Second or Subsequent violation

[C][2] – Commercial vehicle second or subsequent violation

Approved, due to programming constraints {} will be used instead of [].